

MARTIN A. SCHAINBAUM (csb #37257)  
601 Montgomery Street, Suite 688  
San Francisco, Ca 94111  
Telephone: (415) 777-1040  
Facsimile: (415) 981-1065\  
Email: [schainbm@taxwarrior.com](mailto:schainbm@taxwarrior.com)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                           |   |   |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, | ) | CASE NO. 3:15-cr-00359-CRB                        |
|                           | ) |   |
| Plaintiff,                | ) | <b>STIPULATION AND ORDER MOVING</b>               |
|                           | ) | <b>STATUS CONFERENCE FROM NOVEMBER</b>            |
| v.                        | ) | <b>23, 2016 AT 10:00 AM TO JANUARY 4, 2017 AT</b> |
|                           | ) | <b>2:00 PM</b>                                    |
| BRIAN PETER STALLINGS,    | ) |   |
|                           | ) |   |
| Defendant.                | ) |   |

---

The Parties, by their respective counsel, hereby agree and stipulate to move the Status Conference presently set for November 23, 2016 at 10:00 a.m., to January 4, 2017 at 2:00 p.m., subject to the Court's approval. Defendant requires additional time to obtain medical evidence, which may affect the course and timing of the proceedings in this case.

The Parties concur that, based on the foregoing, that an exclusion of time from November 23, 2016, to January 4, 2017 from the applicable time limits set forth in 18 U.S.C. § 3161 would allow counsel for Defendant the reasonable time necessary for effective preparation of counsel and continuity of counsel because it would allow additional time necessary to review discovery and conduct further plea discussions. *See* 18 U.S.C. § 3161(h)(7).

Accordingly, for the reasons stated above, the Parties jointly request a continuance of the status

1 hearing from November 23, 2016, to January 4, 2017, at 2:00 p.m., and the exclusion of time for this  
2 period.

3 IT IS SO STIPULATED.

4  
5 Dated: November 21, 2016

s/ Jose A. Olivera

JOSE A. OLIVERA

Assistant United States Attorney

Attorney for Plaintiff

6  
7  
8  
9 Dated: November 21, 2016

s/ Martin A. Schainbaum

MARTIN A. SCHAINBAUM

Attorney for Defendant

10  
11  
12  
13 **ORDER**

14  
15 For the reasons set forth in the above stipulation, the Court hereby continues the status  
16 conference in this case from November 23, 2016 to January 4, 2017, at 2:00 p.m. The Court further  
17 finds that the exclusion of time from November 23, 2016 to January 4, 2017, at 2:00 p.m., is warranted  
18 to permit the parties to continue to review discovery, and conduct further plea discussions. That period  
19 shall be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)  
20 and (h)(7)(B)(iv), as the ends of justice served that this exclusion outweigh the best interest of the public  
21 and Defendant in a speedy trial.

22 ORDERED this 21st day of November 2016, at San Francisco, California.

23  
24 

25 HONORABLE CHARLES R. BREYER

26 United States District Judge  
27  
28